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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,326	06/09/2006	David A. Eves	42551-110	5358
26486	7590	04/01/2010	EXAMINER	
BURNS & LEVINSON, LLP 125 SUMMER STREET BOSTON, MA 02110			DENG, ANNA CHEN	
			ART UNIT	PAPER NUMBER
			2191	
			NOTIFICATION DATE	DELIVERY MODE
			04/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@burnslev.com

Office Action Summary	Application No. 10/596,326	Applicant(s) EVES ET AL.	
	Examiner ANNA DENG	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to preliminary amendment filed on 6/9/2006.
2. Claims 1-15 are pending.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: the steps/processes in FIGS 3-4, neither be numbered nor be mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The Abstract is required to remove the numbers with parentheses in the text.

Claim Objections

4. Claims 1 and 10 are required to remove the numbers with parentheses in claim text.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15 are rejected under 35 U.S.C. 102 (b) as being anticipated by Eves et al. US 2002/0169817 A1 (hereinafter Eves).

Per Claim 1:

Eves discloses:

A method of operating a set of devices comprising receiving a real-world description in the form of an instruction set of a markup language (Eves, [0004], a method of operating a set of devices comprising receiving a real-world description in the form of an instruction set of a markup language), **the description including asset terms and effect terms** (Eves, [0013], it possible to create instruction sets that correspond to real-world experiences, within the confines of a markup language, that can be used by enabled devices to render those experiences. Such real-world experiences include visual, audio, olfactory and tactile sensations. [0014], The markup

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language describes experiences in the physical world. It allows the authoring of spatial, temporal and structural elements but also more ambient qualities such as mood, sensory factors and the dynamics of the space. Also, [0036], In effect the user authors descriptions that can be added to the original content...The user adds a data track to a recordable format disc..., via a PC to create a set of effects to go with various scenes of the story), **requesting assets and effects according to the terms in the description, modifying at least one asset according to at least one effect** (Eves, [0024], For example, the lighting device 14 (shown in more detail in FIG. 2) has receiving means 24 for receiving the real-world description in the form of an instruction set of a markup language, the receiving means 24 including part of distributed browser that interprets the instructions of the instruction set. The portion of the browser in the receiving means 24 communicates with adjusting means 26 that is arranged to adjust one or more parameters of the lighting device 14. For example, if the real-world description reads <FOREST>, <SUMMER>, <EVENONG> then the browser part in the receiving means 24 interprets this into specific instructions relating to the colour tones and luminance level for the adjusting means 26 to adjust their levels accordingly), **and operating the devices according to the assets** (Eves, [0004], operating said devices according to said description).

Per Claim 2:

Eves discloses:

wherein the modifying of an asset is executed by a first device of the set of devices, the first device transmitting the modified asset to a second device in the set (Eves, [0026], In a second embodiment (outlined in the flowchart of FIG. 4) the description is read at a local server, which can be a dedicated device (first device)...In this embodiment a browser or operating system present on the local server interprets the instructions of the real-world description and generates specific parameter adjustment (modifying) for communicating to the relevant device (second device).

Per Claim 3:

Eves discloses:

wherein a device of the set of devices receives an unmodified asset, the modifying of the asset being executed by that device (Eves, [0024], For example, the lighting device 14 (shown in more detail in FIG. 2) has receiving means 24 for receiving the real-world description in the form of an instruction set of a markup language, the receiving means 24 including part of distributed browser that interprets the instructions of the instruction set. The portion of the browser in the receiving means 24 communicates with adjusting means 26 that is arranged to adjust one or more parameters of the lighting device 14. For example, if the real-world description reads <FOREST>, <SUMMER>, <EVENING> then the browser part in the receiving means 24 interprets this into specific instructions relating to the colour tones and luminance level for the adjusting means 26 to adjust their levels accordingly, In this example the likely colour tone would be a pleasant green and the light level would be low but warm.

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The browser part interprets instructions of a general type to generate specific parameter adjustments (modifying)).

Per Claim 4:

Eves discloses:

and further comprising receiving, as a portion of the real-world description, location data, the location data being associated with at least one term of the real-world description (Eves '634, [0040], The language contains a wide range of states that can be rendered by the devices in a real-world representation system. Such states relate to: ... [0047] Location-absolute, fantasy, generic type).

Per Claim 5:

Eves discloses:

wherein at least one of the terms of the real-world description is location neutral (Eves, [0047] Location-absolute, fantasy, generic type).

Per Claim 6:

Eves discloses:

and further comprising retrieving location information for at least some of the devices in the set of devices, matching the location information with the location data, and modifying only some of the assets according to the matching (Eves, [0038], An example of this is a game that a user may play, via a PC or games

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console for example. If a game is augmented with a description relating to the scenario and/or locations of the game world, then as the user navigates the game world the environment around them changes accordingly).

Per Claim 7:

Eves discloses:

and further comprising distributing the description amongst the devices of the set (Eves, [0024], this description is distributed amongst the devices).

Per Claim 8:

Eves discloses

and further comprising reading the description at a local server (Eves, [0026], the description is read at a local server, which can be a dedicated device...).

Per Claim 9:

Eves discloses:

wherein the modifying of at least one asset comprises modifying an asset according to a plurality of effects (Eves, [0009], adjusting means for adjusting one or more characteristics of the device according to said description).

Per Claim 10:

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This is system version of the claimed method discussed above (claim 1), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Eves /643.

Per Claim 11:

Eves discloses:

wherein at least some of the devices of the set are interconnected by a wireless network (Eves, [0020], The devices are interconnected by either a wireless network or a wired network such as a powerline carrier network or a conventional cable system such as RS232 leads).

Per Claim 12:

Eves discloses:

wherein at least some of the devices of the set are interconnected by a powerline carrier network (Eves, [0020], The devices are interconnected by either a wireless network or a wired network such as a powerline carrier network or a conventional cable system such as RS232 leads).

Per Claim 13:

Eves discloses:

wherein a device of the set is a local server (Eves, [0026], the description is read at a local server, which can be a dedicated device) .

Per Claim 14:

Eves discloses:

wherein one or more devices of the set of devices is provided with storage capability, which capability is accessible by at least one other device of the set (Eves, [0034], RF systems, such as Bluetooth are also suitable for transmitting and receiving descriptions. In this way descriptions can migrate by being stored on devices with Bluetooth capability. ...there exists the ability to pass descriptions between the mobile device and a local storage medium).

Per Claim 15:

Eves discloses:

wherein each device of the set of devices has associated location information (Eves '634, [0040], The language contains a wide range of states that can be rendered by the devices in a real-world representation system. Such states relate to: ... [0047] Location-absolute, fantasy, generic type).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone

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number is 571-272-5989. The examiner can normally be reached on Monday to Friday 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at 571 –272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anna Deng/

Primary Examiner, Art Unit 2191